

REMARKS

Claims 1-39 are pending in this application. By this Amendment, claims 1-25 are amended and new claims 26-39 are added. Claims 1-6 and 16 are amended for clarity. Claims 7-15 and 17-25 are amended for form to substitute the word "the" for the word "said." Support for new claims 26-39 can be found, for example, on pages 18, 26, 30 and 33 of the specification and in the original claims. No new matter is added.

I. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 7-15 and 17-25 recite allowable subject matter. However, for the reasons discussed below, Applicants respectfully submit that all pending claims are allowable.

II. The Claims Define Patentable Subject Matter

The Office Action rejects claims 1-6 and 16 under 35 U.S.C. §102(b) over U.S. Patent No. 6,654,095 B1 to Nishi. This rejection is respectfully traversed.

Nishi does not teach or suggest "a detector, positioned on a periphery of the optical member, which detects the position of the movable member or of the substrate along the optical axis direction; and a control device connected to the detector, which receives positioning information obtained by the detector and halts or reverses movement of the movable member in a direction substantially perpendicular to the direction of the optical axis of the optical member," as recited in amended independent claim 1 (emphasis added).

The Office Action asserts that Nishi teaches each and every feature recited in independent claim 1 (see Office Action, pages 4 and 5). Specifically, the Office Action asserts that Nishi discloses a focus sensor AF that allegedly corresponds to the claimed detector and a stage control unit 81 that allegedly corresponds to the claimed control device (see Office Action, page 4). These assertions fail for the following reasons.

The stage control unit 81 of Nishi does not control a sampling mount 138, on which a wafer stage WST is positioned, in a direction substantially perpendicular to the Z direction

(the Z-direction being parallel with the direction of the optical axis AX) based on an input from the focus sensor AF. Nishi merely discloses that the stage control unit 81 receives signals from an interferometer that measures the X, Y position of the sampling mount 138, on which the wafer stage WST is positioned (see Nishi, Fig. 9). The stage control unit 81 then controls a motor (64A, 64B, 104A and 104B) for driving the WST along the X and Y directions (see Nishi, Fig. 9). Further, Nishi discloses that signals received from the focus sensor AF are used to control the voice coil motor 134 for driving the sampling mount 138, on which the wafer stage WST is positioned, in the Z direction, which is, as mentioned above, parallel to the optical axis AX (see Nishi, Fig. 9; col. 21, lines 4-16 and 60-67; and col. 24, lines 32-46). Thus, Nishi merely discloses that the signals from the focus sensor AF are used to move the wafer stage WST in the direction of the optical axis only, and not in a direction substantially perpendicular to the optical axis. As a result, Nishi does not teach "a detector...which detects the position of the movable member or of the substrate along the optical axis direction; and a control device connected to the detector, which receives positioning information obtained by the detector and halts or reverses movement of the movable member in a direction substantially perpendicular to the direction of the optical axis of the optical member," as recited in amended independent claim 1 (emphasis added).

Because Nishi does not teach or suggest each and every feature of claim 1, as discussed above, withdrawal of the rejection of claim 1 is respectfully requested. Furthermore, withdrawal of the rejection of claims 2-6 and 16, which depend from claim 1, is respectfully requested, at least based on their dependence on claim 1, as well as for the additional features they recite.

III. New Claims 26-39

Applicants respectfully submit that new claims 26-39 also define patentable subject matter. For example, Nishi does not disclose or suggest "a control device, which, in response

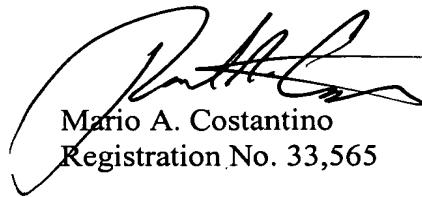
to notification of occurrence of an abnormality, moves the object and the opposing member apart along the optical axis direction," as recited in new independent claim 31. Moreover, new claims 26-30 and 32-39 define patentable subject matter, at least based on their respective dependence on independent claims 1, 7 and 31, as well as for the additional subject matter each of these claims recites.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination
Amendment Transmittal

Date: May 4, 2009

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